

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:05CV259-MU-2

JOHNATHAN HILLMAN, )  
Plaintiff, )  
 )  
v. ) ORDER  
 )  
CLEVELAND COUNTY SUPERIOR )  
COURT JUDGE; and )  
CLERK OF SUPERIOR COURT OF )  
CLEVELAND COUNTY, )  
Defendants. )  
\_\_\_\_\_ )

**THIS MATTER** comes before the Court on plaintiff's civil rights action under 42 U.S.C. §1983, filed July 15, 2005.

As best as can be determined, the plaintiff's Complaint is an attempt to challenge a North Carolina court's decision to dismiss his petition for a legal name change. That is, the plaintiff's Complaint reports that on June 27, 2005, he discovered that "the Judge dismiss[ed] me for a law name change . . . "; and that he wants this Court to "please help [him] get [his] name change . . . ." Suffice it to say, however, the instant Complaint must be dismissed.

Indeed, the law is well settled under the Rooker-Feldman Doctrine that lower federal courts, such as this one, do not have jurisdiction to review challenges to state court proceedings, except in habeas corpus actions--that is, in actions which challenge the legality of state court convictions. Jordahl v.

Democratic Party of Virginia, 122 F.3d 192, 199 (4<sup>th</sup> Cir. 1997); District of Columbia Court of Appeals v. Feldman, 460 U.S. 462, 482 (1983); Rooker v. Fidelity Trust Co., 263 U.S. 413, 415-16 (1923).

To be sure, abstention is required even when the plaintiff is complaining or, as here, otherwise suggesting that the state court's decision violates his constitutional rights. Feldman, 460 U.S. at 486. Under such circumstances, "[t]he Feldman decision clearly establishes the appropriate path of review as first up to the State's highest court and then directly to the Supreme Court of the United States." Mazur v. Woodson, 932 F. Supp. 144, 148 (E.D. Va. 1996) ("District courts have no authority over state court decisions.").

Accordingly, inasmuch as the plaintiff apparently is asking this Court to invalidate the decision of the Superior Court of Cleveland County concerning his petition for a legal name change, such action must be dismissed for lack of subject matter jurisdiction.

Finally, it has not escaped the Court's attention that the plaintiff is attempting to sue a State judge. However, in the absence of a request for prospective relief, as is missing from this case, the instant Superior Court Judge would be entitled to absolute immunity from the plaintiff's action. Moreover, the plaintiff is attempting to sue a clerk of court against whom he

has not even bothered to set forth a single allegation. Consequently, even if this Court had jurisdiction to entertain this litigation, such Complaint likely would be subject to summary dismissal in any event.

**NOW, THEREFORE, IT IS ORDERED** that the plaintiff's Complaint is **DISMISSED**.

**SO ORDERED.**

**Signed: July 27, 2005**



A handwritten signature in black ink, appearing to read "Graham C. Mullen", is written over a horizontal line. The signature is fluid and cursive.

Graham C. Mullen  
Chief United States District Judge

